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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,535	02/28/2006	Bjarne Lasse Christensen	12706/21	9902
757 7590 02/24/2009 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER DUNWOODY, AARON M				
ART UNIT 3679		PAPER NUMBER		
MAIL DATE 02/24/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,535

**Applicant(s)**

CHRISTENSEN ET AL.

**Examiner**

Aaron M. Dunwoody

**Art Unit**

3679

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 11/26/2008. These drawings are approved by the Examiner.

### ***Specification***

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper, see below. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

This application is the National Stage of International Application No. PCT/DK2003/000809, filed November 26, 2003, which claims priority to Danish Application No. PA 2002 01823, filed November 26, 2002, these references are incorporated herein in their entirety.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3283780, Sutton.

In regards to claim 1, Sutton discloses a connecting piece for a medical tubing, said connecting piece comprising:

a first unit (13) and a second unit (14),

said first unit comprising a first connecting element for a tubing element and a second connecting element for the second unit, said second connecting element comprising a tubular female part for engagement with the second unit and first sealing elements (30),

said second unit comprising a tubular male part with a collar including a continuously extending delimiting edge defining a face on said male part, a connecting line between any two points along said delimiting edge in a peripheral direction of the male part being less than 90° in relation to an axial extension of said male part and said female part, and second sealing elements (30a) for cooperating with the first sealing elements, said first unit and second unit comprising respective separator elements, that the first sealing elements and the second sealing elements configured for being mutually lockingly engageable by moving the male part and the female part axially

towards each other, said mutual locking engagement establishing a lock, by which the first unit and the second unit are kept together;

the separator elements (16, 17) comprising a face arranged on the female part and a face arranged on the male part, said faces being in abutment against each other when the first unit and the second unit are kept together by said lock, said faces being such that by a turning of the first unit in relation to the second unit an axially extending positive force component is provided for by said face on said male part riding on said face on said female part, said positive force component forcing the sealing elements to leave their mutual engagement by axial displacement of said first and said second unit from each other; and that the separator elements being arranged in relation to said sealing elements such that said separator elements are at an axial distance from said lock when the first unit and the second unit are kept together by said lock.

In regards to claim 3, Sutton discloses the delimiting edge of the collar provides at least two tongues, and being congruent with the a delimiting edge defining the face on the female part.

In regards to claim 4, Sutton discloses the delimiting edge of the collar follows the shape of a wave having a uniform distance between crests of the wave.

In regards to claim 5, Sutton discloses the first sealing elements comprise an annularly extending bead arranged on an inner face of the female part; and the second sealing elements comprise an annular recess arranged on an outer face of the male part, and which also provide the lock.

In regards to claim 6, Sutton discloses the first sealing elements comprise an annular recess including delimiting side faces being essentially axially parallel with a centre axis of the female part; and that the second sealing elements comprise an annular flange for providing the a second delimiting edge of the male part.

In regards to claim 7, Sutton discloses delimiting side faces of the annular flange of the male part extend taperingly in relation to a central axis of the annular flange and converge towards the second delimiting edge of the male part.

In regards to claim 8, Sutton discloses a medially arranged side face for the annular recess of the first sealing elements comprises a beveling, said beveling facing laterally.

In regards to claim 9, Sutton discloses a face of an annular bead of the female part extends taperingly and converges in a direction towards the annular recess.

In regards to claim 10, Sutton discloses the first connecting unit comprises a valve.

In regards to claim 11, Sutton discloses the valve comprises a housing having a displacer means which is displaceable within the housing and perpendicular to the central axis of the first connecting unit, being intended for regulating the passage of liquid in the first connecting unit.

In regards to claim 12, Sutton discloses the displacer means comprises stops mounted at each end of the displacer means.

***Response to Arguments***

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

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